

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17786 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- MATIHANI District- Begusarai

Chandan Kumar S/o Binay Yadav R/o- Tika Rampur, P.S.- Muffasil, Distt.-
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act.

Two country made *katta* wrapped in *gamcha*, Rs. 380/- and an old mobile phone were recovered from possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it



appears from the F.I.R. as well as seizure list that two country made katta wrapped in *gamcha*, Rs. 380/- and one mobile has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that in fact nothing has been recovered from the conscious possession of the petitioner rather the police has planted the same and recovery has been shown from possession of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Matihani P.S. Case No. 132 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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